

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

PS-PR&RD Deptt., - Sri N.Arun Kumar, former AEE, PR and i/c MPDO, Maredumilli Mandal, East Godavari District – Misappropriation of ITDA funds etc., and withdrawal of Govt., funds illegally from Banks – Penalty of dismissal from service orders issued – Filed OA No.3268/04 – Set aside by the Hon'ble APAT dt.3.5.2007 – Complied with- Fresh Charges were framed – Case entrusted to COI – Enquiry Report submitted – Charges are held proved – Report Communicated – Explanations not submitted – Imposing a penalty of Dismissed from service under Rule 9(x) of APCS (CC&A) Rules, 1991 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT(VIG.I) DEPARTMENT

G.O.MS.No. 153.

Dated.15.12.2014.

Read the following:

- 1.G.O.Rt.No.442, PR&RD (VS.1) Deptt., dt.23.02.2004.
- 2.Judgment dt.3.5.2007 of Hon'ble APAT in OA No.3268/04 filed by Sri N.Arun Kumar, former MEO and I/c MPDO.
- 3.G.O.Rt.No.794, PR&RD(Vig.II) Deptt., dt.31.05.2008.
- 4.Govt.Memo No.15811/Vig.II/A2/08-1, dt.11.7.2008.
- 5.G.O.Rt.No.72, PR&RD (Vig.II) Deptt., dt.17.01.2012.
- 6.From Lingaraj Panigrahi, IAS, COI and IA, D.O.Lr.No.392/COI.LP/2011-1, dt.19.7.2012.
- 7.Govt.Memo No.15811/Vig.II/A2/08-21, dt.29.10.2012.
- 8.Govt. Letter No.15811/Vig.I/2008, dt.06.08.2014.
- 9.From the Secretary, APPSC, Hyd., Lr.No.980/RT/3/2014, dated.25.10.2014.

ORDER:

In the reference 1st read above, Govt., have imposed a penalty of dismissal from service against Sri N.Arun Kumar, former Assistant Executive Engineer, Panchayat Raj and i/c MPDO, Maredumilli Mandal, East Godavari District, besides recovery of an amount of Rs.2,70,500/-, under APCS (CC&A) Rules, 1991.

2. In the reference 2nd read above, the Hon'ble Andhra Pradesh Administrative Tribunal has pronounced judgment and set aside Govt., orders, i.e., orders of dismissal from service against Sri N.Arun Kumar, former Assistant Executive Engineer besides recovery of money issued vide ref.1st read above on technical grounds, such as reasons were not assigned in the penalty orders, charges were vitiated etc., with liberty to proceed against the applicants in accordance with Rules.

3. In the reference 3rd read above, Govt., have placed the Charged Officer Sri N.Arun Kumar, former Assistant Executive Engineer under deemed to have been suspension from the date of the original order of dismissal.

4. In the reference 4th read above, Government, have framed fresh charges against Sri N.Arun Kumar, former Assistant Executive Engineer and directed to submit his Written Statement of Defense to Government. The Charged Officer has not submitted his Written Statement of Defense.

5. In the reference 5th read above, the Govt., have entrusted the case to Commissioner of Inquiries and appointed Sri Lingaraj Panigrahi, IAS as Inquiry Authority to conduct common enquiry against him along with others. In the reference 6th read above, the Inquiry Authority after conducting detailed enquiry has submitted his report and the findings of the IA are as follows:

“Sri N.Arun Kumar, AEE and I/c MPDO, Maredumilli (Charged Officer.1) did not attend the inquiry. The Presenting Officer in his letter No.Suptd/3000/1997 dt.29.6.12 informed that the notice meant for Charged Officer.1 could not be served on him as Charged Officer.1 is absconding and his whereabouts are not

known. He has not claimed that subsistence allowance after 31.07.2010. Under same charge the criminal prosecution was lodged and Charged Officer.1 was convicted by First Class Judicial Magistrate, Rampachodavaram. In the appeal filed by the Charged Officer.1 the conviction order was modified and the sentence for rigorous imprisonment was converted into fine of Rs.5,000/-. There is nothing on the record to show that there was further revision of this appeal order. Since the Charged Officer.1 has been convicted by the Criminal Court on the same offence, his case is to be dealt as per sub-proviso (i) of Rule 25 of APCS (CC&A) Rules, 1991 as per which straightaway the disciplinary authority can impose the punishment without following the procedure prescribed under Rule 20 to Rule 24. In this case even for imposition of punishment consultation with the APPSC is not necessary. In view of conviction by the Court on the same charge, I hold this charge proved. The Department will follow the Rule 25 of APCS (CC&A) Rules, 1991.

6. In the reference 7th read above, Government, have communicated the Inquiry Report to Sri N.Arun Kumar, formerly Assistant Executive Engineer, Panchayat Raj & I/c MPDO and requested to submit his representation on the findings of the Inquiry Authority. The Charged Officer has not submitted his representation.

7. Since, the Charged Officer has not submitted his representation, Government, have provisionally decided to impose a penalty of dismissal from service on Sri N.Arun Kumar, formerly Assistant Executive Engineer, besides recovery of an amount of Rs.2,27,500/- and consulted Andhra Pradesh Public Service Commission to convey its concurrence to the proposed punishment in the reference 8th read above. The Andhra Pradesh Public Service Commission in its letter 9th read above, has conveyed their concurrence to the Government, decision.

8. Govt., after carefully examination of the findings of the Inquiry Authority, have decided to impose a penalty of dismissal from service on Sri N. Arun Kumar, formerly, Assistant Executive Engineer, Panchayat Raj & I/c MPDO, Maredumilli Mandal, East Godavari District, besides recovery of misappropriated an amount of Rs.2,70,500/-, since, the charges are held proved. Accordingly, hereby order to impose a penalty of dismissal from service on Sri N. Arun Kumar, formerly, Assistant Executive Engineer, Panchayat Raj & I/c MPDO, Maredumilli Mandal, East Godavari District, besides recovery of misappropriated an amount of Rs.2,70,500/- under Rule 9 (x) of APCS (CC&A) Rules, 1991 and R.R. Act.

9. The Engineer in Chief, Panchayat Raj, Hyderabad, is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT

To
Sri N. Arun Kumar, formerly, Assistant Executive Engineer, Panchayat Raj & I/c MPDO, Maredumilli Mandal, East Godavari District t
through Engineer in Chief, Panchayat Raj, Hyd.,
The Engineer in Chief, Panchayat Raj, Hyd.,
Copy to:
The Secretary to VC, APVC, Hyd.,
The Accountant General, AP, Hyd.,
The Collector, East Godavari District.
The District Treasury Officer, East Godavari District.
SF/SC.

//FORWARDED::BY::ORDER//

SECTION OFFICER